



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

May 30, 1939

Honorable Murphy Cole
County Auditor, Liberty County
Liberty, Texas

Dear Sir:

Opinion No. 0-861

Re: Disposition of unclaimed funds due defendants but held in registry of court.

Your request for an opinion from this department as contained in your letter of May 22 reads as follows:

"In the case of A. W. Dycus et al v. J. H. Anderson et al, No. 5444, in the District Court of Liberty County, Texas, on the 10th day of March, 1919, the plaintiffs paid to the District Clerk the sum of \$62.75, which was deposited by him in the registry of the Court; the money was to be paid to the defendants, but up to this time, neither of them have ever called on the Clerk for this money, and the Clerk now wants to know what he should do with same -- he thinks that it should be sent to the State Treasurer, but I would like for you to write me fully in regards to this matter."

It appears that the \$62.75 mentioned in your letter, was paid into the registry of the District Court pursuant to an order from said court. The District Clerk holds said money as a trust fund for the benefit of the named defendants entitled thereto. The money does not belong to the state, therefore the Clerk would have no authority to pay or transmit such funds to the State Treasurer.

It is, therefore, the opinion of this department that trust funds in the hands of the District Clerk belonging to private parties should be placed in the depository, if any, and held in trust for the parties entitled thereto

Yours very truly

ATTORNEY GENERAL OF TEXAS

By (signed)
William J. R. King
Assistant

WmK:FL

APPROVED:

Gerald C. Mann (signed)
ATTORNEY GENERAL OF TEXAS

(Stamped:) Approved
Opinion Committee
By: H.Q.B., Chairman

ATTORNEY GENERAL OF TEXAS